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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,894	08/26/2003	Benoit Reiss	02-4-148	5639

7590 12/30/2005
Carlo S. Bessone
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Danvers, MA 01923

EXAMINER

TON, ANABEL

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/649,894	REISS, BENOIT	
	Examiner	Art Unit	
	Anabel M. Ton	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vadseth (4,910,649) and further in view of Lyman et al (2002/0159270) et al and in further view of Furst et al (6,616,313).

3. Vadseth discloses the claimed limitations except for the recitations of the device having a white light emitting diode and specifically reciting the LED emitting a beam in an arc of 120 degrees and a lens for reducing the beam to about 60 degrees in a horizontal and vertical plane. Vadseth discloses a light source (5, fig 5) having a reflector emitting light in an arc of about 120 degrees (fig 5), a lens (Fresnel lens) for receiving the beam and reducing it to about 20 degrees in a horizontal and vertical plane (fig 1). Furst et al discloses a vehicle lamp that uses white LED'S and a lens assembly in front of the LED's. Lynam teaches the white LED of the device having a light emission of about 120 degrees. The examiner takes Official Notice that the use of LEDS is old and well known in the illumination art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute an LED for the light source in the system of Vadseth. One would have been motivated since LEDS are recognized in the illumination art to have many desirable advantages, including reduced

size, high efficiency, low power consumption, long life, resistance to vibrations, and low heat production, over other light sources. With regards to the LED being a white LED with a light emission of about 120 degrees, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the light device of Vadseth with a white LED with a light emission of about 120 degrees since as taught by Furst et al, white LED'S are old and well known in the art for use in automotive applications to provide the automotive lighting device with a light source that is reduced in size, has high efficiency, a low power consumption, long life and particularly resistant to vibrations and as taught by Lynam et al a light emission of 120 degrees from the LED is commonly used in automotive illumination applications because of its expansive light emission.

4. With regards to a lens for receiving the beam and reducing it to 60 degrees in a vertical and horizontal direction, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the lens of Vadseth to reduce the light beam to 60 degrees as opposed to 20 degrees in a vertical and horizontal plane, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only ordinary skill in the art.

In re Aller 105 USPQ 233.

Allowable Subject Matter

5. Claims 2-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the

indication of allowable subject matter: The prior art cited of record does not teach the light emission of the lens as recited in claim 2 specifically the light beam deflected to an upper boundary about 10 degrees downwardly relative to the horizontal plane and the in the vertical plane extending downwardly about 70 degrees relative to the horizontal, light emitted by the LED and lens as recited in claims 8-10.

Response to Arguments

6. Applicant's arguments filed 10/13/05 have been fully considered but they are not persuasive.

7. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Vadseth teaches a lighting device that produces a first light emission of about 120 degrees and has a lens that reduces the light emission to about 20 degrees in a horizontal and vertical direction, this teaching clearly shows motivation for a light source to be reduced to a desired light emission by use of a lens, Furst teaches of the use of a white LED and lens assembly to modify the light emission from the LED and Lyman teaches that a light emission from an LED in the range of 120 degrees is well known in the automotive

illumination applications. As recited above, the combination of the references suggest a lighting device that emits a light of one desired emission range that is reduced to another desired emission range in combination with the use of commonly known and used LED devices. Applicants desired range of light emission reduced from 120 degrees to 60 degrees by means of a lens is rendered obvious since Vasdeth has established a device that reduces a light emission by means of a lens from about 120 degrees to roughly 30 degrees and Furst and Lyman teach the use of LED's in automotive applications, Lyman in particular teaching of the use of LEDs that emit light in a 120 degree range. Furthermore, applicant has not stated in the specification why reducing a light beam from 120 degrees to 60 degrees is necessary or of importance and just states that the instant invention provides such a function. Therefore reducing a beam of 120 degrees to 60 degrees would be obvious under *In re Aller* since the general condition of reducing a large beam of light to narrower beam of light by means of a lens has already been established by Vasdeth.

8. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anabel M Ton
Examiner
Art Unit 2875

AMT



ALAN CARIASO
PRIMARY EXAMINER